

**REMARKS**

Claims 1-20 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

The Examiner is thanked for the courtesies extended during the telephone interview on January 13, 2009. No agreement was reached during the interview.

Claims 1-9 and 18-19 were rejected under 35 U.S.C. § 103 as being unpatentable over Hultgren (U.S. Patent No. 6,868,391) in view of Stewen (WO 99/22346). Claims 10-17 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Hultgren in view of Stewen and further in view of "Official Notice". These rejections are respectfully traversed for the following reasons.

Claim 1 recites a method for controlling and operating a vending machine when a user has an account at a bank and there are sufficient funds in the user's account, the vending machine incorporating a mobile radiocommunication transmit/receive unit and configured to be called from the user's mobile telephone unit over a mobile telephone network via an abbreviated mobile telephone number affixed on the vending machine, comprising upon receipt of a call from the user's mobile telephone unit to the abbreviated mobile telephone number on the vending machine, establishing a connection to the bank, prompting, via the vending machine, the user to select a merchandise item, after the merchandise item has been dispensed, generating a billing entry in the vending machine, settling the billing entry via a payment gateway, the step of settling comprising accessing the user's account, and determining the account number based on

the user's mobile telephone number, and issuing a request to the payment gateway, with a reference to the vending machine, to reserve a certain maximum amount from the account of the user who has been uniquely identified based on his telephone number.

The Examiner has used the Hultgren patent as a primary reference, alleging that Hultgren teaches everything but "the controlling and operating a *vending machine* from a mobile telephone." Applicant respectfully disagrees.

The Examiner asserts that the limitations "establishing a connection to a bank and determining if the user has an account at that bank, and if so, whether there are sufficient funds in the user's account, if the user has an account and there are sufficient funds, prompting, via the vending machine, the user to select a merchandise item, after the merchandise item has been dispensed, generating a billing entry in the vending machine, and settling the billing entry via a payment gateway, the step of settling comprising accessing a mini-payment account the user has opened with a bank, and determining the mini-payment account number based on the user's mobile telephone number" are not necessary because the prior art teaches a scenario in which the customer does not have sufficient funds. However, Applicant has amended claim 1 to recite "a method for controlling and operating a vending machine when a user has an account at a bank and there are sufficient funds in the user's account..." and has removed the language "determining if the user has an account at that bank, and if so, whether there are sufficient funds in the user's account" and "if the user has an account and there are sufficient funds" from the claim. Thus, the claim now recites a series of steps that are carried out as part of the claimed method, which is defined as being for a specific purpose, *i.e.*, controlling and operating a vending machine when a user has

an account at a bank and there are sufficient funds in the user's account. The cited prior art, whether taken alone or in combination, does not teach or suggest that series of steps.

In particular, the prior art does not disclose, *inter alia*, issuing a request to the payment gateway, with a reference to the vending machine, to reserve a certain maximum amount from the account of the user who has been uniquely identified based on his telephone number. There is no teaching in the cited art that a maximum amount of money is to be reserved from a user's bank account in a bank.

For at least these reasons, Applicant respectfully submits that claims 1 and 18 are patentable over the prior art of record. Claims 2-9 and 19-20 depend from and include the recitations of claims 1 and 18, respectively. Applicant respectfully submits that claims 2-9 and 19-20 are patentable in and of themselves and as they depend from and include the recitations of claims 1 and 18, which are patentable for the reasons discussed above.

Claim 10 now recites a system for implementing a method for activating and operating an automatic vending machine, which has a mobile radio telephone transmitting/receiving device and can be called from a mobile radio telephone terminal of the user via a mobile radio telephone call number installed on the machine via a mobile radio telephone network, the system comprising a computer program that is programmed to perform the listed steps. Among the listed steps are requesting, via the automatic vending machine upon receipt of a call from a user to the mobile radio telephone call number, that a maximum amount of money be reserved from a user's bank account in a bank, processing the reservation via a payment gateway connected to the bank comprising: determining whether the user has a mini-

payment account set up at the bank using the mobile radio telephone call number of the user; accessing the mini-payment account of the user to determine if the user has sufficient credit to pay the voucher; determining, at an intelligent network service control point of the mobile radio telephone network, an actual call number of the automatic vending machine; producing a connection from the intelligent network service control point to the payment gateway; sending a request from the intelligent network service control point to the payment gateway for a reservation for said maximum amount to be held in the mini-payment account of the user identified by the user's call number; processing, by the payment gateway, the reservation only when there is sufficient credit, and sending a positive acknowledgement to the intelligent network service control point; sending a negative acknowledgment from the payment gateway to the intelligent network service control point only when there is not sufficient credit, or the user does not have an account at the bank, sending an instruction from the intelligent network service point to the mobile switching center to terminate the call only upon receipt of the negative acknowledgement by the intelligent network service point; and only upon receipt of the positive acknowledgment by the intelligent network service control point; sending an instruction from the intelligent network service point to the mobile switching center of the actual call number of the automatic vending machine, causing the mobile switching center to initiate a voice connection to the automatic vending machine; prompting, by the automatic vending machine, the user to select an item; and ejecting the item at the automatic vending machine in response to the selection. This is not taught, disclosed or made obvious by the prior art of record.

Though the steps listed recite various alternatives that take place when certain conditions are met, the claim recites a system for implementing a method, the system comprising

a computer program that is programmed to perform the listed steps. If the prior art does not include a computer program that is programmed to perform each of the listed steps, even if the step is not performed because the condition is not met, it does not anticipate or render obvious the claimed invention.

Applicant respectfully submits that the cited prior art does not disclose a computer program programmed to perform the steps of requesting, *inter alia*, via the automatic vending machine upon receipt of a call from a user to the mobile radio telephone call number, that a maximum amount of money be reserved from a user's bank account in a bank. The Office Action cites Hultgren, col. 6, lines 14-50, col. 4, lines 48-55, and Fig. 3A as allegedly teaching this feature. Applicant respectfully disagrees.

As indicated in col. 5, lines 2-4 in Hultgren, there are communications between the merchant and the customer mobile station regarding the transaction. In the portion of col. 6 cited in the Office Action, the communications with the customer mobile station is disclosed. There is no discussion, nor showing in Fig. 3A, of requesting, via the automatic vending machine upon receipt of a call from a user to the mobile radio telephone call number, that a maximum amount of money be reserved from a user's bank account in a bank. For at least this reason, Applicant respectfully submits that claim 10 is patentable over the prior art of record. Claims 11-17 depend from and include the recitations of claim 10. Applicant respectfully submits that claims 11-17 are patentable in and of themselves and as they depend from and include the recitations of claim 10, which is patentable for the reasons discussed above.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant

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submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at  
202-628-5197

Respectfully submitted,

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